

**UNITED STATES COURT OF APPEALS
FOR THE FIRST DISTRICT**

United States of America)

v.)

Yohan A. Germosen)

CRIMINAL NO.: 05-10120-NG

**DEFENDANT'S MOTION FOR FINDING OF INDIGENCY
AND APPOINTMENT OF COUNSEL**

Now comes the defendant Yohan A. Germosen and moves this Honorable Court to find him indigent and appoint appellate counsel for him.

In support thereof, the defendant states that:

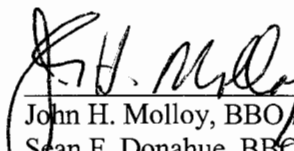
1. The United States of America recently filed an appeal in the United States of Court of Appeals. See, Appeal No.: 07-1272;
2. The defendant is believed to be indigent and without funds necessary to retain private counsel; and
3. The defendant needs an attorney to represent him in the appeal.

A redacted copy of an Affidavit entitled, "Affidavit to Accompany Motion For Leave to Appeal in Forma Pauperis," from the defendant in support of this motion is attached hereto. (An unredacted copy of the said Affidavit will be forwarded to this Court under separate cover, by first-class mail, postage prepaid, along with a motion to seal the unredacted version).

For all of the foregoing reasons, the defendant Yohan A. Germosen respectfully requests that this Court *allow* this motion.

FOR THE DEFENDANT,
YOHAN A. GERMOSEN

By his attorneys:

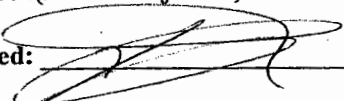


John H. Molloy, BBO # 600778
Sean F. Donahue, BBO # 558058
385 Broadway, Suite 402
Revere, MA 02151

**Affidavit to Accompany
Motion for Leave to Appeal in Forma Pauperis**

District Court No. 05CR10120 NG
Appeal No. 07-1272

United States,
Appellant
v.
Yohan A. Germosen,
Appellee

Affidavit in Support of Motion	Instructions
<p>I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)</p> <p>Signed: <u></u></p>	<p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p> <p>Date: <u>March 13, 2007</u></p>

My issues on appeal are: The United States filed the appeal.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse *	You	Spouse*
Employment	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Self-employment	\$ <u> </u>	\$ <u>-0-</u>	\$ <u> </u>	\$ <u>-0-</u>
Income from real property (such as rental income)	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Interest and dividends	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>

* I am not married.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Gifts	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Alimony	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Child support	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Retirement (such as social security, pensions, annuities, insurance)	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Disability (such as social security, insurance payments)	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Unemployment payments	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Public-assistance (such as welfare)	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Other (specify): -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Total Monthly income:	\$ -0-	\$ -0-	\$ -0-	\$ -0-

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay

3. List your spouses's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay

4. How much cash do you and your spouse have? \$ -0-

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
Bank of America	Savings	\$(-31.96)	\$
Bank of America	Checking	\$(-06.77)	\$
		\$	\$

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor Vehicle #1	(Value)
				Make & year: 1995 Lexus ES300	
				Model: Value: \$1,000	
				Registration#:	
Motor Vehicle #2	(Value)	Other assets	(Value)	Other assets	(Value)
Make & year:					
Model:					
Registration#:					

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ -0-	\$ -0-
Are any real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$ -0-	\$ -0-
Home maintenance (repairs and upkeep)	\$ -0-	\$ -0-
Food	\$ 200	\$ -0-
Clothing	\$ -0-	\$ -0-
Laundry and dry-cleaning	\$ -0-	\$ -0-
Medical and dental expenses	\$ -0-	\$ -0-
Transportation (not including motor vehicle payments)	\$ 20	\$ -0-
Recreation, entertainment, newspapers, magazines, etc.	\$ -0-	\$ -0-
Insurance (not deducted from wages or included in Mortgage payments)	\$ -0-	\$ -0-
Homeowner's or renter's	\$ -0-	\$ -0-
Life	\$ -0-	\$ -0-
Health	\$ -0-	\$ -0-
Motor Vehicle	\$ 100	\$ -0-
Other: -0-	\$ -0-	\$ -0-
Taxes (not deducted from wages or included in Mortgage payments)(specify): -0-	\$ -0-	\$ -0-
Installment payments	\$ -0-	\$ -0-
Motor Vehicle	\$ -0-	\$ -0-
Credit card (name):	\$ -0-	\$ -0-
Department store (name):	\$ -0-	\$ -0-
Other:	\$ -0-	\$ -0-

Alimony, maintenance, and support paid to others	\$ 800 --	\$ --0--
Regular expenses for operations of business, profession, or farm (attach detailed statement)	\$ --0--	\$ --0--
Other (specify): <u>--0--</u>	\$ --0--	\$ --0--
Total monthly expenses:	\$ 1,200	\$ --0--

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? \$ _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

13. State the address of your legal residence.

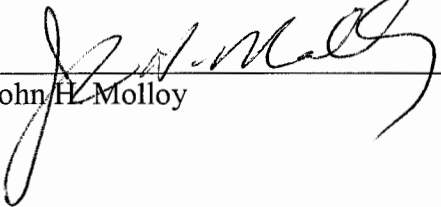
Your daytime phone number: (~~781~~) _____

Your age: 29 yrs. Your years of schooling: 14 yrs.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on March 16, 2007, I forwarded a copy of the *Defendant's Motion For Finding of Indigency and Appointment of Counsel*, along with a redacted copy of an affidavit entitled, "Affidavit to Accompany Motion For Leave to Appeal In Forma Pauperis," and a copy of a *Motion To Withdraw* to the defendant, Yohan A. Germosen, by first class mail, postage prepaid, at his last and usual place of abode.

I further certify that I have on March 16, 2007, I also forwarded a copy of the said documents by electronic filing upon AUSA Lisa Asiaf, of the United States Attorney's Office.



John H. Molloy